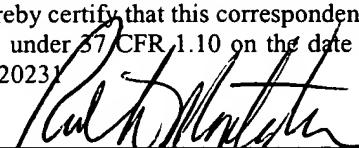


EXPRESS MAIL No.: **EV 168 963 813 US**

Deposited: April 7, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, DC 20231

 / Ruth Montalvo Date: April 7, 2003

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

Docket No.: GK-BAIDA-102/500764.20002

Customer No. 026418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nicholas F. Baida

Serial No. : 09/992,172 Group Art Unit: 2859

Filed : 14 November, 2001 Examiner: Hoolahan, A.

For : DEVICE AND METHOD FOR MAKING PRECISE MEASUREMENTS
AND CUTS WITH A MEASURING TAPE

Commissioner for Patents
Washington, D. C. 20231

AFFIDAVIT UNDER 37 CFR 1.131

Sir:

State of Oregon)
) S.S.
)
County of Josephine)

Nicholas F. Baida, being duly sworn, deposes and says:

1. I am the inventor of claims 1-15 of the patent application identified above and inventor of the subject matter described and claimed therein.

2. Prior to December 18, 2000, I had completed my invention as described and claimed in the subject application in this country, as evidenced by the following:

a. Prior to December 18, 2000, having earlier conceived of my invention and having reduced it to practice in a prototype, I approached Stanley Tools Corporation to see if they would be interested in signing a confidentiality agreement in order to discuss the possibility

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of manufacturing my invention while I retained the intellectual property rights. They replied on August 14, 2000, enclosed as exhibit A. They advised me that they only would consider any manufacturing agreement if a patent application was pending.

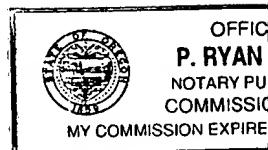
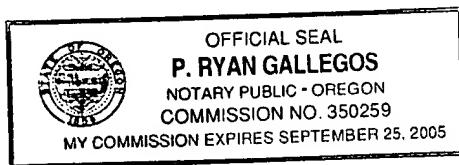
b. Prior to December 18, 2000 having earlier conceived my invention and reduced it to practice in a prototype, I approached the Perfect Measuring Tape Co. to inquire about prices of raw materials such as the measuring tape components of my device. They replied on August 29, 2000 (see exhibit b.), and they were also interested in signing a confidentiality agreement⁽⁹⁾ to investigate the possibility of manufacturing my invention on my behalf while I retained the intellectual property rights.

Therefore, it is clearly evidenced that I conceived, and reduced my invention to practice, prior to December 18, 2000.

Sworn to and subscribed before me this 26 day of March 2003.

Nicholas Bards
Nicholas Bards

P. Ryan Gallegos
NOTARY PUBLIC



Witnessing or Attesting a Signature

State of OREGON

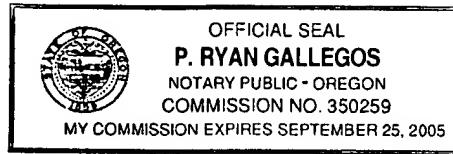
County of Jackson

Signed or attested before me on 26th March, 2003 by Nicholas F. Borda

P. Ryan Gallegos

Notary Public - State of Oregon

My commission expires: Sept 25, 2005



March 8, 2001

Mr. Nicholas F. Baida
255 Woodbrook Drive
Grants Pass, OR 07526

Re: New U.S. Patent Application
Entitled: MARKING TAPE MEASURE
Our Ref.: GK-BAIDA-102/500764. 20002

Dear Nick:

This is to acknowledge receipt of your \$1,500 retainer toward the preparation of a patent application on your marking tape measure invention.

We will keep you advised of the progress of the case.

Sincerely yours,



Gerald H. Kiel

GHK:jl

375 Park Avenue
17th Floor
New York, NY 10152-1799
212.521.5400
Fax 212.521.5450

Delaware
New Jersey
New York
Pennsylvania
Virginia
Washington, DC

reedsmith.com

EXHIBIT A

Stanley Tools

Product Review Committee

480 Myrtle Street
New Britain, CT 06053

Tel 860-827-5482
Fax 860-827-5281

STANLEY



August 14, 2000

Mr. Nick Beta
255 Woodbrook Drive
Grantpath, Oregon 97526

Dear Mr. Beta:

Thank you for contacting us about your idea. It's always a pleasure to hear from a creative customer.

We are limited to considering suggestions that have been patented, or to ideas where a patent application has been filed. If you have received a patent on your idea, or if you have filed an U.S. patent application, we would be glad to evaluate your suggestion. If you have not applied for or received a patent, we will be unable to consider your suggestion.

If your idea meets these requirements, please get back in touch with us. We will send to you our Policy on Submitted Ideas, and we'll be glad to receive your submission by return mail.

Thank you for thinking of Stanley Tools.

Very truly yours,

Product Review Committee

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EXHIBIT B



THE PERFECT MEASURING TAPE CO.

MANUFACTURERS OF MEASUREMENT, INVENTORY CONTROL & IDENTIFICATION SYSTEMS FOR TEXTILES

1116 SUMMIT ST. • TOLEDO, OHIO 43604, USA • (419) 243-6811 • FAX: (419) 243-8298 • TELEX: 673 0713 (PERFTAPECO)

August 29, 2000

Mr. Nick Baida
255 Woodbrook Dr.
Grants Pass, OR 97526

Dear Nick,

Enclosed, please find a sample "S" Series Tape Measure, for your examination.

To give you an idea on pricing, this tape is available in a 25-foot length and wholesales for \$3.60. Our 25-foot "Right to Left Read" tape wholesales for \$7.99. I would imagine that your tape would end up between those costs.

As soon as I receive the Confidentiality Agreement from your attorney, I will sign and return it so that we can begin discussions.

Until then, I send,

Kind Regards
THE PERFECT MEASURING ATPE CO.


A. C. Bohnengel
General Manager

Encs.

EXHIBIT C



BOILER & KELLY

A LAW FIRM ASSOCIATION

ATTORNEYS AND COUNSELORS AT LAW

927 COUNTRY CLUB ROAD

SUITE 175

EUGENE, OR 97401

Telephone: (541) 683-1901

Faximile: (541) 683-2774

JEFFREY H. BOILER, P.C.

PATRICK J. KELLY

OF COUNSEL

HERBERT G. EVANS, P.C.

September 22, 2000

BUSINESS MANAGER
MARGARET A. BOI

LEGAL ASSISTANT
CAROL HUNNICUTT

BY FACSIMILE ONLY (541) 955-0594

Nick Baida
1701 Foothill Boulevard
Grants Pass, OR 97526

Re: Confidentiality Agreement

Dear Nick:

Transmitted by fax with duplicate originals following by express today is a form of confidentiality Agreement which I believe addresses all your present and future concerns in dealing with a third party for manufacture of the prototype we discussed, and for doing the market research as well.

I have drafted it with specific references designed to preserve all of your rights as "trade secrets" within the meaning of Oregon law and the Uniform Commercial Code as well. Most states, including Ohio, have a form of Uniform Commercial Code which is substantially similar to the form utilized in Oregon. The Code governs some aspects of this Agreement, including the implied covenants of good faith and fair dealing.

If you have no questions involving the form of Agreement, please let me know and I will be happy to forward duplicate originals for signature to Mr. Bohnengel. A draft proposed letter to him from our office is enclosed for your approval as well.

Please let me know if you have any changes or questions after reviewing this form of Agreement. Please note in your review that this Agreement does not obligate you to pay any money in order to obtain the commitment of confidentiality you require. It will undoubtedly be necessary to negotiate separate terms for payment of manufacturing costs and market planning and research, but I will

Nick Baida
Page 2
September 22, 2000

leave that to Mr. Bohnengel's company to raise as an issue, since it does not benefit you to outline any payment schedule for their services in this Agreement. You should feel free, however, to negotiate separately for the actual production costs, if any, and please don't hesitate to contact me if you have any questions when doing so.

Thank you for entrusting this matter to us for handling. I look forward to hearing from you with any proposed modifications.

Best regards,


Jeffrey H. Baida

JHB:ch
Enclosures